THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 2690 of 2005

Oral order:

Aggrieved by the action of the respondents in not considering his representations dated 07.06.2004 for his transfer to Pulivendla Telecom Centre, as illegal and arbitrary and consequently direct the respondents to pay compensation of Rs.4,00,000/- for overlooking his case as he is losing Rs.10,000/- per month, the petitioner filed the present writ petition.

The petitioner is working as S.S.O. (T) in Telegraph Office, BSNL at Proddatur. The petitioner states that respondents pay incentives to the employees if they make business over and above the required target. He states that Pulivendla Telecom Centre is potential business centre, where the person posted earns lot of incentive. It is his grievance that though he made representation in May, 1997 requesting the respondents to transfer him to Jammalamadugu or Pulivendla or Yerraguntla. As no action thereon had been taken, he made representation dated 07.06.2004 requesting the respondents to transfer him to Pulivendla Telecom Centre, pay compensation of Rs. 4,00,000/- as he he is losing nearly Rs.10,000/- per month by way of incentives, take disciplinary action against the officials for ignoring his case. As the respondents did not taken any action on the said representation, the petitioner filed the present writ petition, for the reliefs stated supra.

The respondents filed counter. The learned Standing Counsel for the respondents admitted that the petitioner made representation in May, 1997 for his transfer to Jammalamadugu or Pulivendla or

Yerraguntla, but as there was no candidate willing to go to the place where the petitioner is working, namely Proddatur, his request was not considered, and the said request stood cancelled in the said year itself. He submitted that in every centre business incentives are paid to the employees, and at any rate, they are not guaranteed for they depend upon the business. He submits that the petitioner cannot seek that he should be transferred to a place of his choice, and it is the prerogative of the employer to post its employees at the place where their services are required. Because his request for transfer to Pulivendla, was not considered, he cannot claim compensation, much less Rs.4,00,000/- on the ground that he lost Rs.10,000/- per month, and prayed that the writ petition be dismissed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-BSNL.

Admittedly, the petitioner while working at Proddatur made representation in May, 1997 for his transfer to Jammalamadugu or Pulivendla or Yerraguntla. The respondents contend that they did not consider his request for transfer as there was no other employee willing to go and work at Proddatur, where the petitioner is working, the respondents did not consider his case. Aggrieved by the said action of the respondents, the petitioner made representation dated 07.06.2004 to the 2nd respondent *inter alia* contending that had he been posted at Pulivendla, he would have earned Rs.10,000/- by way of incentives, and as a result of his not posting there, he had lost the said amounts, and requested the respondents to pay compensation of Rs.4,00,000/- and take action against the officials who have not considered his case for transfer.

This request of the petitioner is misconceived. First of all, transfer is an incidence of service and is made on administrative

grounds. The petitioner as a matter of right cannot seek to be posted at a particular place or a place of his choice. May be working at certain places, help the employees concerned earn some incentives, but merely because the employees working in the said centres, earn incentives, is no ground for the petitioner to seek his transfer to the said place.

As there was said to be no vacancy at Pulivendla, and as no other person was willing to work at Proddatur, the respondents did not consider his case for transfer. Merely because his request for transfer to Pulivendla was not considered by the respondents favourably, is no ground for the petitioner to seek to compensation, much less compensation of Rs.4,00,000/-, particularly on the ground that he had lost incentives by virtue of his not posting at Pulivendla, nor can he seek any direction to the respondents to take action against the official who failed to consider his case for transfer. In that view of the matter, no exception can be taken to the action of the respondents in not considering the representation dated 07.06.2004 for the prayers made therein.

The writ petition is misconceived, and is liable to be dismissed, and is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Dated: 30th October, 2007.
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